

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-7 and 11-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Guzder et al. (U.S. Pat. No. 4,356,898 provided in the IDS, Paper No.2). Claims 1-7 and 10-15 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Margolis et al. (U.S. Pat. No. 4,844,428). Claims 1-7 and 10-15, 18-24 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Leno et al. (U.S. Pat. No. 6,161,821).

Claim 1 has been amended to define the upper and lower working chambers as being in a first portion of the working chamber and the fluid chamber as being in a second portion of the working chamber. The working chamber is formed by an inner wall of the pressure tube. In addition, the second flow path has been designed as an open flow path. None of the cited references alone or combined teach or disclose this type of structure.

Guzder et al. does not have the fluid chamber defined by the pressure tube and also does not disclose an open flow path.

Margolis et al. has an open flow path but it does not disclose the fluid chamber being defined by the working chamber.

Leno et al. does not disclose a second fluid path which extends through the valve body to provide fluid communication between the lower working chamber and the fluid chamber.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2, 6 and 7, which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Claims 3-5, 10-15,

18-24 and 27 have been cancelled. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 6-7, 14-15 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leno et al. in view of Pees et al. (U.S. Pat. No. 4,934,667). Claims 6 and 7 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Applicant believes Claims 6 and 7 also patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **REJOINDER**

Applicant respectfully requests the rejoinder of Claim 8.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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## **ATTACHMENT FOR CLAIM AMENDMENTS**

The following is a marked up version of amended Claims 1 and 2 in which underlines indicates insertions and brackets indicate deletions.

1. (Amended) A damper comprising:

a pressure tube [forming]having an inner wall which forms a working chamber;

a piston disposed within said working chamber, said piston dividing a first portion of said working chamber into an upper working chamber and a lower working chamber;

a first flow path extending through said piston to provide communication between said upper working chamber and said lower working chamber;

a valve body disposed [between]within said working chamber [and]to define a fluid chamber located in a second portion of said working chamber; and

a second flow path extending through said valve body to provide communication between said lower working chamber and said fluid chamber[.], said second fluid flow path being an open flow path.

2. The damper according to Claim 1, wherein said valve body is attached to said pressure tube[, said valve body and said pressure tube defining said fluid chamber].